

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:06CV69-03-MU

MARION EDWARD PEARSON, JR.,)
)
 Petitioner,)
)
 v.)
)
RANDALL LEE, Admin., Caledonia)
Correctional Inst.,)
)
 Respondent.)

ORDER

THIS MATTER comes before the Court upon Petitioner's "Revised Motion for Sanctions" (Document No. 32), filed July 26, 2006.

Petitioner filed a § 2254 Petition in this Court on February 28, 2006. On July 23, 2006 this Court issued an Order denying Petitioner's Motion to Strike (Document No. 22) and Petitioner's Motion for Sanctions (Document No. 27). (See Document No. 31.) In this instant motion, Petitioner asks this Court again for "sanctions on the ground that Respondent's answer's to Habeas Grounds (5), (6), and (7) (document (17) and supporting brief (document 18) rejecting jurisdictional error in the application of the 'reasonable suspicion doctrine' are not legal opposition to the issuance of the writ."

As previously stated in this Court July 23, 2006 Order, given that this case is relatively new, this Court has not yet had the opportunity to thoroughly review Petitioner's Petition or Respondent's Motion for Summary Judgement. This Court has however, had the opportunity to conduct a preliminary review of Respondent's Answer and Motion for Summary Judgment and takes judicial

notice that the State's response takes the form of a typical standard response which this Court finds is by and large responsive. Additionally, when this Court is able to issue an Order addressing Petitioner's Petition and Respondent's Motion for Summary Judgment, if the Court is in need of further briefing, the Court will issue an order directing it at that time. Moreover, Petitioner filed a response in opposition to the State's Motion for Summary Judgment which is an appropriate vehicle in which to voice his objections to the State's motion. In the meantime, this Court again declines Petitioner's request to issue sanctions against the Respondent. Petitioner's "Revised Motion for Sanctions" (Document No. 32) is DENIED.

IT IS HEREBY ORDERED that Plaintiff's Motion for Sanctions (Document No. 32) is DENIED.

SO ORDERED.

Signed: August 1, 2006

A handwritten signature in cursive script, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

